

Remarks

I. Introduction

Claims 14 to 32 are pending in the present application, as claims 1 to 13 were previously canceled. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicants also thank the Examiner for the acknowledgement and the acceptance of the drawings.

II. Claim Objections

The Office Action objects to claim 32 because of the presence of a minor informality. Applicants have amended claim 32 to be dependent from claim 29 as suggested by the Examiner. Withdrawal of the objection is therefore respectfully requested.

III. Rejection of Claims 14-22 and 24-32 Under 35 U.S.C. § 103(a)

Claims 14-22 and 24-32 were rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 6,628,233 (“Knockeart”) in view of U.S. Patent Application No. 2003/0110011 (“Kyotoku”).

To reject a claim as obvious under 35 U.S.C. § 103, the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied.

First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). As clearly indicated by the Supreme Court, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness

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cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1741.

Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986).

Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). As explained herein, the Office Action does satisfy these requirements as to all of the features of the claims.

Claim 14 relates to a method for starting up an application in a mobile data processing device, and recites “performing wire-bound transmission of the permanent portion [of a database] from a central server to the intermediate server [located in the vicinity of the mobile data processing device].” The Office Action refers to column 37, line 50 to column 38, line 16 of Knokeart as assertedly disclosing this feature. Applicants disagree.

In this regard, the Office Action refers to static data in Knokeart as assertedly disclosing the permanent portion of an information database, and to a GPS receiver in Knokeart as assertedly disclosing the intermediate server located in the vicinity of the device. As an initial matter, a GPS receiver is not a server.

Moreover, to extent that the GPS receiver is relied upon as disclosing the server (which it cannot), Knokeart does not disclose or suggest a wire-bound transmission of the static portion (referred to by the Office Action as assertedly disclosing the permanent portion) from a central server to the GPS receiver (referred to by the Office Action as assertedly disclosing the intermediate server). Instead the cited sections of columns 37 and 38 refer to uploading over a high-speed data link at a dealership or service center, *see Knokeart*, col. 37, lines 50-56, which upload is further detailed at column 38, lines 5 et seq. as being implemented via a data interface 2020 of the in-vehicle system to service equipment 2030 or a personal computer 2031 as shown in figured 20B; not via the GPS receiver.

Further, claim 14 recites “transmitting the permanent portion from the intermediate server to the device . . . via a first transmission path and storing the permanent portion in the device for operating the application.” As noted above, the GPS receiver of Knokeart is not a server, as suggested by the Office Action.

Moreover, to the extent the GPS receiver is relied upon by the Office Action as disclosing the intermediate server (which it cannot), Knokeart does not disclose or suggest that the GPS receiver transmits the static data (relied upon by the Office Action as

assertedly disclosing the permanent portion) to the device. In this regard, the Office Action refers to the discussion as column 38, line 5 et seq., regarding the high speed data link using the data interface 2020 as assertedly disclosing the transmission of the permanent data from the intermediate server to the device, but, as noted above, the high speed link does not concern the GPS receiver upon which the Office Action relies as assertedly disclosing the intermediate server, and therefore does not disclose or suggest a transmission of any kind from an intermediate server, as provided for in claim 14.

Kyotoku does not cure – and is not asserted to cure – these critical deficiencies of Knockeart. Accordingly, the combination of Kyotoku and Knockeart does not render unpatentable claim 14 or any of its dependent claims 15-22 and 24-28.

Claim 29 contains subject matter analogous to that discussed above with respect to claim 14, so that the combination of Kyotoku and Knockeart does not render unpatentable claim 29 or any of its dependent claims 30-32 for at least essentially the same reasons as claim 14.

Withdrawal of this obviousness rejection of claim 14-22 and 24-32 is therefore respectfully requested.

III. Rejection of Claim 23 Under 35 U.S.C. § 103(a)

Claim 23 was rejected under 35 U.S.C. § 103(a), as being unpatentable over Knockeart in view of Kyotoku, in further view of U.S. Patent No. 4,340,935 (“Anlauf”).

Claim 23 depends from claim 14, and is therefore also allowable for at least the same reason as claim 14, since Anlauf does not cure -- and is not asserted to cure -- the critical deficiencies of the Knockeart and Kyotoku references.

Withdrawal of this obviousness rejection of claim 23 is therefore respectfully requested.

IV. Conclusion

In view of the above, it is respectfully submitted that all of the presently pending claims 14 to 32 are allowable. It is therefore respectfully requested that the rejections and any objections be withdrawn. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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